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simultaneously. What I say is that the Government might consider both these cases, simultaneously, viz., the applicability of the rules to certain localities and the amendment of the rules so as to meet the legitimate and reasonable difficulties of the merchants when the Act is enforced. But if the Government insist upon the Bill being passed now and if they assure us that the proper consideration of the grievances will be made in the near future, there is no reason why I should press my point of view. But all the same I think that even in the interest of enforcing the provisions of this Act, it is desirable that the rules should be so modified as to suit local conditions and not to adopt in toto the rules framed in other countries in this connexion."

The question that the Bill be taken into consideration was put and carried.

Clauses 1 to 4 of the Bill were successively put and carried.

The Preamble of the Bill was put and carried.

The hon. Diwan Bahadur B. Muniswami Nayudu:—"I now move that the Bill be passed into law."

Mr. T. Sundara Rao Nayudu:—"I second it."

The motion was put and carried and the Bill was passed into law.

IX.—A BILL TO AMEND THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930.

* The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"Sir, I beg to present the Report[a] of the Select Committee on the Bill to amend the Madras Suppression of Immoral Traffic Act, 1930 (Bill No. 9 of 1931) and to move that the Bill, as amended by the Select Committee, be taken into consideration. Hon. Members will remember that this Bill was referred to the Select Committee and the Committee have submitted their report. They have made certain recommendations and they will be considered when the Government put this Act into force."

The hon. Diwan Bahadur Sir M. Krishnan Nayar:—"I second it."

* Mr. Sami Venkatachalam Chetti:—"Sir, I desire to make one or two observations with regard to this Bill. I am glad that the Government have decided to enforce the provisions of this Act. This resolution on the part of the Government is due to our hon. ex-colleague Dr. Muthulakshmi Reddi who indefatigably worked for the passing of this measure. Though I had to differ from some of the provisions of this Bill, it is not my intention that the present evils of immoral traffic that is very rampant in the city of Madras and in some parts of the Presidency, should go on. What I am afraid of is that too much power is vested with the Police in the discharge of their duties in connexion with the administration of the Act. In other countries prosecutions are generally launched against persons only when these prosecutions are sanctioned by an officer called the Director of Public Prosecutions, who brings to bear upon each case his judicial

[a] Printed as Appendix XXIII on pages 177-178 infra.

mind before he sanctions the Police to proceed with the cases. In the provisions of this Bill, this healthy restraint is absent. Therefore it becomes all the more necessary for the Government to introduce restraints and checks against any possible misuse of the powers by the Police. I am not exaggerating the state of affairs when I say that it is quite probable that the Police would abuse these powers. Even under existing conditions, you find cases of Police Officers misbehaving in the matter of dealing with women. The Government might be aware of the instances which occurred in Tinnevelly and other places where Police Officers were responsible for very great mischiefs. Therefore I am not at all exaggerating any possible fear in this respect. I would only request the Government to issue instructions to the Police Officers to act in consonance with social workers who would be better informed in these matters and who are really earnest in putting down this evil. Instead of doing that, if you allow the Police Officers to take action on their own initiative, I am really of opinion that it is possible of much misuse. I do not want that any respectable woman should be put to any trouble by any of these Police Officers on the ground of suspicion.

12-45 p.m. "I would rather prefer immorality in so far as it is confined to certain women to go on, than that a respectable woman be brought out to the public as a suspect of immoral life. It is this kind of thing happening that the Government should carefully safeguard against.

"There is another thing also. It is unfortunate that after these women are taken out of the brothels, there is no responsibility taken by the Government to protect them and to reform them. No doubt it may be due to financial reasons; but the Government ought not to undertake a legislation of this sort unless they are able at the same time to provide sufficient accommodation for these poor and destitute women who are turned out of the brothels. It is not for mere pleasure or the fun of it that these women go into the brothels. Mostly, it is on account of the stringent economic conditions prevailing in the country that these girls or women find an easy refuge in the first instance in brothels. If, therefore, it is the intention of the Government to reform these women, it is absolutely necessary that they should assume responsibility for running Rescue Homes. I am very sorry that Government are not in a position to run any themselves and that they are depending upon private effort that may be made by some philanthropists and social workers for founding Rescue Homes. I hope however that Government will at least give some subsidy to the private associations or social workers that run Rescue Homes and thereby enable the unfortunate women to lead a life of chastity and good character, after they are removed from the brothels. I trust, Sir, that the hon. the Home Member who has taken such great interest in getting this measure passed, will be enthusiastic enough to see that provision is made for helping private efforts in the matter of founding Rescue Homes for these women. Unless such Rescue Homes come into existence and the Government are assured of their proper management and supervision, I would request the hon. the Home Member not to enforce this measure."

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* The hon. the PRESIDENT:—"The question is that Bill No. 9 of 1931 (a Bill to amend the Madras Suppression of Immoral Traffic Act, 1930) be taken into consideration."

The motion was carried.

Clauses 1, 2 and 3 of the Bill were successively put and carried.

The Preamble was put and carried.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I now move, Sir, that the Bill be passed into law.

"In this connexion, Sir, I should just like to refer to the speech delivered by my hon. Friend, Mr. Sami Venkatachalam Chetti. He wanted that Government should issue certain instructions which the Police should remember, in connexion with the bringing into force of the provisions of the Suppression of Immoral Traffic Act, namely, the prevalent customs of the country. The same question was raised, Sir, in the Select Committee and I then told my hon. Friend that I would have his suggestion examined. I repeat the same thing now, that the suggestions made by my hon. Friend will be examined.

"As regards the ample subsidy that he wanted the Government to give, I may say that on account of financial stringency at this juncture, it is not possible for the Government to do anything in that direction. I have already had a talk with Mr. Sesha Ayyangar, the Secretary of the Vigilance Association, and he told me that his Society was collecting funds for the purpose of starting a Rescue Home. Of course, it is not possible for the Society to bring a permanent organization into existence immediately. I would therefore appeal to private generosity to come forward to assist the Government in providing Rescue Homes. The moment I come to know that a proper Rescue Home has been provided, the provisions of this Act will be put into force. I am sorry, however, that at the present moment, on account of great financial stringency, it is not possible for the Government to do anything in the matter."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it, Sir."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"There is only one matter, Sir, on which I want to say a few words and it has already been referred to by my Friend, Mr. Venkatachalam Chetti. If the Act is going to be put into force at all, I do not see how Government are going to do it unless they have Rescue Homes to fall back upon. In the original Bill, there was a provision to the effect that the Government should see that Rescue Homes were brought into existence; but that provision was dropped later on. Now, if this Act is to be put into operation, I think Government ought to start Rescue Homes. We are not in a position even approximately to know the number of girls or women that will have to be taken care of, nor have the Government given us any idea as to the manner in which those women will be looked

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after. If this Act is not to be enforced at all, then it is all right; but there are already some Rescue Homes which are managed by private bodies. Yet, the hon. the Home Member said that the Government are not in a position to give any help to those private bodies. I do not know if that remark was made in view of the previous refusal of the Government to start any Rescue Homes themselves. At the same time, it is not known whether Government will allow this Act to be a dead letter. Unless really something is done by them to provide Rescue Homes—at least in the way of helping others to start such Homes or even of helping institutions which are already looking after these fallen women—I am sure this Act will become a dead letter. I would therefore like the hon. the Home Member to give the House some assurance that Government will at least help those who are running Rescue Homes at present, so that the Act might not remain a dead letter."

* Mr. YAKUB HASAN:—" Sir, I am a member of the Vigilance Association and I am in a position to inform the House that serious attempts have been made to collect sufficient funds for opening a Rescue Home. Though the funds so far collected are not much, owing to the present financial conditions, people who were expected to pay in thousands paid only in hundreds. But still we find that the amount so far received is enough to rent a house wherein to house these women. Of course there is a big scheme for erecting a building and admitting a large number of women and so on; but that cannot take shape for some time. And so far as Madras city alone is concerned, I think the number of women to be rescued will not in the beginning be so large as to make their maintenance beyond the means of any single private association. However, I feel quite sure that as the need for more funds arises, there will be a fresh appeal and more funds will be forthcoming. I would therefore join Mr. Arogyaswami Mudaliyar in requesting the hon. the Home Member to reconsider his decision and not simply refuse all help on the ground that Government are not in a position to do anything. That is not the sort of reply that we expect from him who has taken so much interest in this matter. Government have no idea as to how much funds will be required, nor have we any idea as to the amount; but anyway, a beginning must be made. We want this Bill to become an Act. The hon. the Home Member said that this Act will be enforced as soon as arrangements are made for starting Rescue Homes; but we want this Act to be put into force at once. It should not be made a condition that if Rescue Homes do not come into existence, this Act will not be enforced. For, then, one will depend on the other and it will be a vicious circle and the result will be that this Act will not come into force, nor will Rescue Homes be brought into existence. The Vigilance Association is trying its level best and has even given an undertaking that it will establish a Rescue Home on a small scale, and so this Act should be enforced without delay. The Government should give some support to it. It may not be a very large amount; but even with all the present financial difficulties, Government must find some amount for this purpose. Where there is a will there is a way, and Government ought not to excuse themselves

by saying that there are such and such difficulties and that therefore they cannot promise any amount. I therefore appeal to the hon. the Home Member again to see that the Government promise some pecuniary assistance for the purpose of starting these Rescue Homes, even though it may not be very much."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Sir, what I said was that the Secretary of the Vigilance Association told me that efforts were being made by the Association to bring a Rescue Home into existence and he also told me that they had collected certain funds. The moment the Rescue Home comes into existence, I shall put this Act into force.

"As for subsidy, Sir, the question has been examined fully. At present, it is not possible for the Government to give any subsidy to any institution. The Vigilance Association cannot of course without Government help carry on this work always; and it is hoped that two or three years hence, when the finance of this province are much better, we shall certainly consider the question of subsidies. The Secretary of the Vigilance Association told me that he was taking steps to bring a Rescue Home into existence very soon and the moment it is started, I shall put this Act into force."

Mr. YAKUB HASAN:—"Will the hon. Member kindly consider any application in this behalf?"

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"It is not possible for me to do so, owing to present financial difficulties."

Mr. ABDUL HAMEED KHAN:—"On the question of subsidy, Sir, I should like to say a word. The Government are really magnifying unnecessarily this question of financial stringency. Even with regard to very wholesome measures like this, the Government bring forward this excuse of 'financial stringency'. The Government ought to look into the whole question in the way in which they meet necessary expenditure from time to time. The Government have been on the question of retrenchment so long and they are going to save a lot of money. What are they going to do with all that money? They will perhaps spend it in a wasteful manner. If the House invites the attention of the Government to the need for spending some amount on this very wholesome object, they come forward with the excuse of 'financial stringency'. This is certainly a bogey which should not be trotted out by Government in season and out of season. They should make some difference between a good thing and a bad thing. When the Government themselves agreed to this measure and knew at the time that without a Rescue Home, this Act could not be given effect to, they ought not to have stood in the way on the only ground that they could not run Rescue Homes themselves. No doubt, it all depends on the generosity of the public to a certain extent but the Government must also realise that there is a limit to such public generosity. The same causes that affect the Government finance affect finances of the private individuals. How can the Government say that they are unable to find

money at present for giving subsidies, and yet at the same time expect the people—who are equally suffering under the same financial stringency—to help an institution like this? If the Government expect public generosity, the Government should also realise that that generosity begins from themselves. I still hope, Sir, that when the Vigilance Association makes a request that the Government should assist it in bringing into existence a Rescue Home—however small it may be and however temporary it may be—the Government will not hesitate to come to its rescue and give a generous help in that direction."

* The hon. the PRESIDENT:—"I hope the House is now ready for a vote. The question is that the Bill be passed into law."

The motion was carried and the Bill was passed into law.

The House then adjourned for lunch.

After Lunch (3 p.m.) ...

X.—THE MADRAS GAMING (AMENDMENT) BILL.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Mr. President, Sir, I beg to introduce the Madras Gaming (Amendment) Bill (Bill[a] No. 21 of 1931) and move that the Bill be taken into consideration at once.

"This is a Bill, Sir, in which it is proposed to introduce two small amendments, one to Section 5 and another to Section 6. In Section 5 as it stands at present, the Police officer who can issue a warrant is himself unable to execute it. We want to make it clear by giving him power also to execute the warrant issued by himself. In Section 6 we want to insert the words 'until the contrary is proved', after the words 'shall be evidence'. As has been stated in the Statement of Objects and Reasons, the fact that this section, as it now stands, merely enables instruments of gaming to be used as evidence and creates no statutory presumption against the accused has been commented upon in a judgment of the High Court. In order to remedy these two defects I have introduced this simple Bill."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I second it."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, I beg to move—

'*that the Bill be referred to a Select Committee.*'

"I have no doubt that the hon. the Home Member will agree to this motion having regard to the fact that though the amendment is of only one clause, in the Madras Gaming Act of 1930, that amendment is a very important one seeking to take away from the accused persons at least one chance of proving their innocence. After all, the Madras Gaming Act was passed in 1930 and it has had very few chances of

[a] Published in the *Fort St. George Gazette* on 15th September 1931.